

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ANTHONY MILLER,

Plaintiff,

No. CIV S-04-2509 MCE KJM P

vs.

ARNOLD SCHWARZENEGGER,

Defendant.

ORDER

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Plaintiff is a state prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. Plaintiff has filed an application to proceed in forma pauperis.

On October 20, 2005, the court ordered plaintiff to show cause why he should not be ordered to pay the \$150.00 filing fee for this action, given its filing date, before proceeding further because plaintiff appears to have “struck out” under 28 U.S.C. § 1915(g). In his response to the court’s order, plaintiff does not dispute that he has “struck out,” nor does he present any other legal basis for not requiring plaintiff to pay the filing fee.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff pay the \$150.00 filing fee
2 in effect at the time of the filing of his action within twenty days. Plaintiff's failure to pay the
3 filing fee within twenty days will result in a recommendation that this action be dismissed.

4 DATED: November 21, 2005.

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8 UNITED STATES MAGISTRATE JUDGE
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